

**Notice of Allowability**

Application No.

09/875,795

Examiner

John M. Winter

Applicant(s)

DAVID, SANCHO ENRIQUE

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the paper filed on July 30, 2007.
2. ☒ The allowed claim(s) is/are 18-20, 25, 26 and 28-33.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7/30/2007, 8/20/2007.
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_.

## DETAILED ACTION

### *Allowable Subject Matter*

The IDS's filed on July 30, 2007 and August 20, 2007 have been fully considered.

Claims 18-20, 25-26, and 28-33 are allowed over the prior art record.

1. The following is an examiner's statement of reasons for allowance:
2. The closest prior art of record Hoffman et al., (US Patent Application Publication US 2002/0174067), teaches a tokenless transaction system. [http://www. ffiec.gov/pdf/ authentication\\_guidance.pdf](http://www.ffiec.gov/pdf/authentication_guidance.pdf) teaches authentication of financial transactions. Oi (JP 10229980) teaches an intelligent key device.

What they fail to teach or suggest:

A.

As per claim 18,  
none of the art of record, taken individually or combination disclose at least the steps/components of :  
which purchase request includes a user identification number associated with said user computer and known to said toolbox server, said request initiating the transmission of a confirmation request from said vendor server to said toolbox server to confirm said an identity of said user computer; said confirmation request causing said toolbox server to send a pre-arranged handshake and primer to said gatekeeper, whereupon said gatekeeper allows said toolbox server to request confirmation of said digital fingerprint; wherein said primer comprises a pre-arranged handshake for the next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 18 allowable.

Claims 19 and 20 are dependant upon claim 18 and is therefore allowable for at least the same reason.

B.

As per claim 25,  
none of the art of record, taken individually or combination disclose at least the steps/components of :  
wherein said users computer has received fingerprint programming from said toolbox for creating a digital fingerprint for use by said toolbox to identify said user's computer, and further comprising said vendor server configured to encode said digital fingerprint into said content files, whereby said downloaded files will only be downloadable by said user wherein said downloaded files can only be copied a limited number of times directly from said user's

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computer onto other secondary devices, said limited number being determined by said digital fingerprint encoding, wherein said toolbox server is configured to send a pre-arranged handshake and primer to said gatekeeper, wherein said gatekeeper is configured to allow confirmation of said digital fingerprint; wherein said primer comprises a pre-arranged handshake for the next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 25 allowable.

C.

As per claim 26,

none of the art of record, taken individually or combination disclose at least the steps/components of :

wherein in response to 'a request by said vendor's server said means for providing verification positively identifies user's computer, requests a confirmation from said user's computer of said transaction, and upon receiving said confirmation, provides vendor's server with a means for receiving payment, wherein said confirmation request is contemporaneously sent to a cellular device, wherein said requesting of said confirmation from said user's computer includes sending a pre-arranged handshake and primer to said gatekeeper, wherein said gatekeeper allows requesting confirmation of said digital fingerprint, wherein said primer comprises another pre-arranged handshake for a next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 26 allowable.

D.

As per claim 28,

none of the art of record, taken individually or combination disclose at least the steps/components of :

said purchase request includes a user identification number associated with said user computer and known to said toolbox server, said request initiating the transmission of a confirmation request from said vendor server to said toolbox server to confirm said user computer's identity; and wherein said confirmation request causes said toolbox server to send a pre-arranged handshake and primer to said gatekeeper, whereupon said gatekeeper allows said toolbox server to request confirmation of said digital fingerprint; wherein said primer comprises a pre-arranged handshake for the next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 28 allowable.

Claims 29 and 30 are dependant upon claim 28 and is therefore allowable for at least the same reason.

E.

As per claim 31,

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none of the art of record, taken individually or combination disclose at least the steps/components of :

wherein in response to a request by said provider's server said means for providing verification positively identifies the fingerprint of the user device, requests a confirmation from said user device of said transaction and upon receipt of said confirmation, completes the transaction, wherein the network is a public network, and wherein the user device is a digital set top box connected to a television, wherein said requesting said confirmation from said user device of said transaction includes sending a pre-arranged handshake and primer to said gatekeeper, wherein said gatekeeper allows requesting confirmation of said digital fingerprint, and wherein said primer comprises another pre-arranged handshake for a next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 31 allowable.

F.

As per claim 32,

none of the art of record, taken individually or combination disclose at least the steps/components of :

wherein said fingerprint provides an electronic signature that can be used to identify a user, wherein said requesting said confirmation from said user device of said transaction includes sending a pre-arranged handshake and primer to said gatekeeper, wherein said gatekeeper allows requesting confirmation of said digital fingerprint, wherein said primer comprises another pre-arranged handshake for a next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 32 allowable.

G.

As per claim 33,

none of the art of record, taken individually or combination disclose at least the steps/components of :

said purchase request initiating the transmission of a confirmation request from said vendor server to said toolbox server to confirm an identity of said user's computer; said confirmation request causing said toolbox server to send a pre-arranged handshake and primer to said gatekeeper. wherein said gatekeeper allows said toolbox server to request confirmation of said digital fingerprint, and wherein said primer comprises another pre-arranged handshake for a next succeeding occurrence of a transaction confirmation operation.

These distinct features render claim 33 allowable.

Even if the features missing from the above cited prior art were found in a reasonable number of references a person of ordinary skill in the art at the time of the invention would not have been motivated to combine these reference because the claimed feature of "wherein said primer comprises a pre-arranged handshake for the next succeeding occurrence of a transaction

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confirmation operation" is not a feature normally associated with financial transaction systems and therefore would have to be disclosed by art unrelated to financial transaction systems.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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